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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/653,601	09/02/2003	Robert J. Lysaght	00-VE20.59 DIV1	5075
32127	7590	03/03/2006	EXAMINER	
VERIZON CORPORATE SERVICES GROUP INC. C/O CHRISTIAN R. ANDERSEN 600 HIDDEN RIDGE DRIVE MAILCODE HQEO3H14 IRVING, TX 75038			TRAN, QUOC DUC	
			ART UNIT	PAPER NUMBER
			2643	
DATE MAILED: 03/03/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/653,601	LYSAGHT ET AL.	
	Examiner	Art Unit	
	Quoc D. Tran	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28,30 and 32-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28, 30, 32-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 28, 30 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Avitsur et al (6,201,854) in view of Ubowski (6,389,125).

Consider claims 28, 33. Avitsur teaches an automated telephone set apparatus comprising test circuit means (test equipment 16) for applying test signals to a telephone line (14) to be tested, the test circuit means including a means for applying dialing signals to the telephone line (column(s) 3, line(s) 57-65); a memory (database 30; column(s) 4, line(s) 60-65); and programmable means (MMI and processing unit 24) connected to the test circuit means (16) and the memory (30) for controlling the apparatus; the apparatus being programmed to firstly store in the memory assignment data indicative of a telephone number corresponding to the telephone line to be tested (database 30; column(s) 4, line(s) 60-65; column(s) 5, line(s) 23-31); the apparatus being programmed to secondly apply dialing signals (column(s) 3, line(s) 42-65; column(s) 4, line(s) 45-59; column(s) 6, line(s) 2-14) to the telephone line to actuate a line identification facility at a central office (12); receive line number data signals indicative of a telephone number corresponding to the telephone line from the line identification facility at the

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central office to which the dialing signal were applied (column(s) 4, line(s) 45-59); decode the received line number data signals (column(s) 4, line(s) 45-59); retrieve the stored assignment data from the memory (column(s) 4, line(s) 45-59; column(s) 6, line(s) 14-44); compare the telephone number indicated by the retrieved assignment data with the telephone number indicated by the received and decoded line number data signal (column(s) 6, line(s) 14-44); and indicate whether the telephone line tested was the intended subject of the test assignment (column(s) 6, line(s) 14-44). Avitsur does not teach a DTMF decoder to decode the received line number data signals.

Ubowski teaches the use of a DTMF decoder to decode the received line number data signals (caller ID information; column(s) 5, line(s) 20-63; column(s) 6, line(s) 61 through column(s) 7, line(s) 5; see claim 11 and claim 15) for the purpose of sharing call related information between multiple telephone devices (column(s) 2, line(s) 28-32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Ubowski into the teachings of Avitsur for the purpose mentioned above.

Consider claims 30, 34. Avitsur teaches an automated telephone set apparatus comprising test circuit means (test equipment 16) for applying test signals to a telephone line (14) to be tested, the test circuit means including a means for applying dialing signals to the telephone line (column(s) 3, line(s) 57-65); a memory (database 30; column(s) 4, line(s) 60-65); and programmable means (MMI and processing unit 24) connected to the test circuit means (16) and the memory (30) for controlling the apparatus; the apparatus being programmed to firstly store in the memory assignment data indicative of a telephone number corresponding to the

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telephone line to be tested (database 30; column(s) 4, line(s) 60-65; column(s) 5, line(s) 23-31); the apparatus being programmed to secondly apply dialing signals (column(s) 3, line(s) 42-65; column(s) 4, line(s) 45-59; column(s) 6, line(s) 2-14) to the telephone line to actuate a line identification facility at a central office (12); receive line number data signals indicative of a telephone number corresponding to the telephone line from the line identification facility at the central office to which the dialing signal were applied (column(s) 4, line(s) 45-59); decode the received line number data signals (column(s) 4, line(s) 45-59); retrieve the stored assignment data from the memory (column(s) 4, line(s) 45-59; column(s) 6, line(s) 14-44); compare the telephone number indicated by the retrieved assignment data with the telephone number indicated by the received and decoded line number data signal (column(s) 6, line(s) 14-44); and indicate whether the telephone line tested was the intended subject of the test assignment (column(s) 6, line(s) 14-44). Avitsur does not teach a DTMF decoder to decode the received line number data signals.

Ubowski teaches the use of a DTMF decoder to decode the received line number data signals (caller ID information; column(s) 5, line(s) 20-63; column(s) 6, line(s) 61 through column(s) 7, line(s) 5; see claim 11 and claim 15) for the purpose of sharing call related information between multiple telephone devices (column(s) 2, line(s) 28-32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Ubowski into the teachings of Avitsur for the purpose mentioned above.

Consider claim 32. Avitsur teaches an automated telephone set apparatus comprising test circuit means (test equipment 16) for applying test signals to a telephone line (14) to be tested,

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the test circuit means including a means for applying dialing signals to the telephone line (column(s) 3, line(s) 57-65); a memory (database 30; column(s) 4, line(s) 60-65); and programmable means (MMI and processing unit 24) connected to the test circuit means (16) and the memory (30) for controlling the apparatus; the apparatus being programmed to firstly store in the memory assignment data indicative of a telephone number corresponding to the telephone line to be tested (database 30; column(s) 4, line(s) 60-65; column(s) 5, line(s) 23-31); the apparatus being programmed to secondly apply dialing signals (column(s) 3, line(s) 42-65; column(s) 4, line(s) 45-59; column(s) 6, line(s) 2-14) to the telephone line to actuate a line identification facility at a central office (12); receive line number data signals indicative of a telephone number corresponding to the telephone line from the line identification facility at the central office to which the dialing signal were applied (column(s) 4, line(s) 45-59); decode the received line number data signals (column(s) 4, line(s) 45-59); retrieve the stored assignment data from the memory (column(s) 4, line(s) 45-59; column(s) 6, line(s) 14-44); compare the telephone number indicated by the retrieved assignment data with the telephone number indicated by the received and decoded line number data signal (column(s) 6, line(s) 14-44); and indicate whether the telephone line tested was the intended subject of the test assignment (column(s) 6, line(s) 14-44). Avitsur does not teach a DTMF decoder to decode the received line number data signals.

Ubowski teaches the use of a DTMF decoder to decode the received line number data signals (caller ID information; column(s) 5, line(s) 20-63; column(s) 6, line(s) 61 through column(s) 7, line(s) 5; see claim 11 and claim 15) for the purpose of sharing call related information between multiple telephone devices (column(s) 2, line(s) 28-32).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Ubowski into the teachings of Avitsur for the purpose mentioned above.

Response to Arguments

3. Applicant's arguments filed 12/21/05 have been fully considered but they are not persuasive.

	<p>In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See <i>In re Fine</i>, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and <i>In re Jones</i>, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Avitsur teaches the use of audible caller id (column(s) 6, line(s) 14-23). Ubowski teaches the use of caller id in DTMF format (column(s)</p>
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	<p>6, line(s) 61-65). Noted that caller id that is in the forms of audible, DTMF and/or FSK are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Ubowski into the teachings of Avitsur for the purpose of sharing call related information between multiple telephone devices (column(s) 2, line(s) 28-32).</p>
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<p>Regarding the Ubowski reference, applicant states that Ubowski does not suggest using DTMF signaling from a central office to identify a telephone line.</p>	<p>In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See <i>In re Keller</i>, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); <i>In re Merck & Co.</i>, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, Avitsur teaches the use of audible caller id provided by a central office (column(s) 6, line(s) 14-23). Ubowski teaches the use of caller id in DTMF format (column(s) 6, line(s)</p>
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	61-65). Noted that caller id that is in the forms of audible, DTMF and/or FSK are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Ubowski into the teachings of Avitsur for the purpose of sharing call related information between multiple telephone devices (column(s) 2, line(s) 28-32).
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Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

5. Any response to this action should be mailed to:

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Mail Stop ____ (explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Quoc Tran** whose telephone number is **(571) 272-7511**. The examiner can normally be reached on M, T, TH and Friday from 8:00 to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Curtis Kuntz**, can be reached on **(571) 272-7499**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600** whose telephone number is **(571) 272-2600**.

QUOCTRAN
PRIMARY EXAMINER

AU 2643

February 27, 2006